



# Cumberland County

## Board of Commissioners

### Meeting Minutes - Final

142 Federal St  
Portland, ME 04101

The Board meets on the second Monday of each month at 5:30pm in the Peter Feeney Room unless otherwise noted.

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**Monday, May 8, 2023**

**5:30 PM**

**Feeney Conference Room, County  
Courthouse, 205 Newbury St,  
Portland ME 04101**

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**\*Amendment includes contract attachments to 23-039\***

#### CALL TO ORDER

The Board of Commissioners met for their regularly scheduled meeting at the Cumberland County Courthouse in the Peter Feeney Conference Room, the meeting was called to Order by Chair Neil Jamison at 5:36 PM

#### ATTENDANCE

**Present:** 5 - Chair Neil Jamieson, Commissioner James Cloutier, Commissioner Susan Witonis, Commissioner Stephen Gorden, and Commissioner Patricia Smith

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF THE MINUTES

[CD 23-001](#) Approval of the minutes, April 10, 2023, meeting of the Board of Commissioners

*A motion was made by Commissioner Cloutier, seconded by Commissioner Gorden, that the Minutes Report be APPROVED. The motion carried by the following vote:*

**Yes:** 4 - Chair Jamieson, Commissioner Cloutier, Commissioner Gorden, and Commissioner Smith

**No:** 0

**Abstain:** 1 - Commissioner Witonis

#### INFORMATIONAL REPORT/PRESENTATIONS

[CD 23-002](#) Update on the implementation of the Sheriff's Office Body Cameras and Tasers

Sheriff Kevin Joyce gave an overview of the implementation of AXON body cams and taser equipment. A position for a FOAA officer has been created and awaiting approval from HR. The equipment has been purchased and paid for and is assigned to personnel. AXON is going to start training a third of employees on Tuesday and Wednesday and then equipment will be deployed. The three school districts have been alerted to the use of video cameras. Commissioner Smith asked about the training for the remaining two thirds of the

agency, Sheriff Joyce stated that they would be trained by end of May and into June.

Commissioner Cloutier asked about the request of FOAA and how it relates to employees. Sheriff Joyce stated that it depends on the nature of the request and FOAA laws. County Manager Gailey asked if the Union had voiced concerns on the policy that is being created. Sheriff Joyce stated that he has not heard anything and that they are working on the contract. There have been some rumors that the policy changes the nature of the work responsibilities.

*This Report was PRESENTED.*

## COMMENTS FROM THE PUBLIC

There were no comments from the public.

## CONSENT AGENDA

[23-031](#) Authorization to increase the Outside Detail Rate to \$100 per hour for the Sheriff's Office.

Commissioner Witonis requested that Item 23-031 be discussed prior to approving the consent agenda. She expressed concerned about overtime not being filled because of preference for the detail with new associated pay rate. Sheriff Joyce stated that outside details were not being filled prior to the rate change but was not aware of shifts not being filled. Commissioner Witonis asked about prioritizing staffing, Sheriff Joyce stated that the road is a priority for the agency.

*A motion was made by Commissioner Gorden, seconded by Commissioner Cloutier, that this Order be APPROVED. The motion carried by a unanimous vote.*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

## Approval of the Consent Agenda

*A motion was made by Commissioner Gorden, seconded by Commissioner Cloutier, to approve the Consent Agenda. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

[23-032](#) Request authorization for the County Manager to enter into a contract between Cumberland County and the Town of Harpswell to provide Law Enforcement Services in the amount of \$488,120.88

*This Order was APPROVED.*

[23-033](#) Authorization for the County Manager to enter into a contract between Cumberland County with the Town of Harpswell to provide marine patrol services in the amount of \$266,507.24

*This Order was APPROVED.*

[23-034](#) Award of bid to TOAST, Inc. for the purchase of the Cross Insurance Arena Point of Sale Software in the cost of \$65,125.75

*This Order was APPROVED.*

## ARPA BUSINESS

[23-035](#) Approval of \$650,000 in ARPA funds for the Public Health Department's children preventative oral health infrastructure project in partnership with the Children's Oral Health Network of Maine

Public Health Director Liz Blackwell-Moore introduced Executive Director Becca Matusovich of the Children's Oral Healthcare Network (COHN) who will assist in creating the oral health infrastructure for Cumberland County. Public Health Director Blackwell-Moore stated that more than 30,000 children in Cumberland County do not have preventative dental care, two thirds of those children have MaineCare, overall 60% of children in Cumberland County did not have preventative services in 2021 which was exacerbated by COVID. Cumberland County ranks 12th among Maine Counties for the percentage of children with MaineCare who receive preventative dental care. She stated that this program will utilize MaineCare and partner with school districts and providers and be implemented in a two phase approach. Phase one would include mapping and modeling the need and the purchase of mobile equipment. The second phase would include working with providers to deliver restorative services and possibly include more equipment purchases if services were expanded. The American Rescue Plan Act (ARPA) has provided funds to address disparities that were exacerbated by the pandemic by focusing on households that are at or below the Federal income level.

Commissioner Witonis asked what dental care is like in the rural school areas. Becca Matusovich stated that Mainely Teeth is going to Lakes Region Elementary School, Falmouth and Bonny Eagle. The State Oral Health program goes to School Districts currently serving Gray, New Gloucester School District, Elementary and Middle schools, currently provides screening and fluoride varnish. With partnership through greater Portland Health they serve Portland, South Portland, Westbrook, but they provide different levels of services. Mainely Teeth can provide more advanced services. Schools are currently served with one type of service but they would benefit from both.

Commissioner Witonis asked about the absence of the school nurse and full time availability of the nursing staff, would that limit the available services. How would work be delivered with a lack of nursing staff and shortage of hygienists. Lake region is already a partner, they would receive a greater level of services. The modeling project would identify the schools with the highest need and will be more targeted and ensure that rural schools with a higher need would be a priority. Commissioner Witonis asked if private schools would be included. Becca Matusovich stated that they could be included if they wanted to but the

priority is public schools. Commissioner Gorden asked if the program is a rural program, Director Blackwell-Moore stated that it's focused on areas not covered by Portland Greater Health. Commissioner Gorden asked if the program was seeking additional funding besides ARPA funds. Director Blackwell-Moore stated that different partners would compliment the services, state funded oral health school program (workforce funding from DOL), oral health equity collaborative, Becca Matusovich stated that the COHN is funded with philanthropic efforts and works with the early childhood start. Director Blackwell-Moore stated that the program will be funded by Mainecare. Commissioner Gorden commented that he was surprised that the program would not need any additional funding from the County after 2026. Commissioner Smith summarized that 40% of public schools would be partners with the County Oral Health Program and what metric would be used to gauge success. Becca Matusovich stated that the goal would be 100% participation. Commissioner Smith stated that the success is dependent on the mapping and modeling and setting goals for target population; tracking unhoused youths is difficult, that population is already under served and it's important to ensure that they receive the services through the schools. Commissioner Cloutier stated that he was glad to hear that they were partnering with UNE and it would be very beneficial to the Portland area. Commissioner Witonis asked about financial support after 2026, County Manager Gailey stated that the Health Department would seek other funding to supplement the program after ARPA funds were exhausted.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Order be APPROVED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

[23-036](#)

Adoption of amended ARPA budget for project funding

County Manager Gailey introduced the proposed ARPA budget changes and invited Audit and Compliance Manager Sandra Warren to give an overview of the modified budget. Compliance Manager Warren confirmed that unobligated funds might be rescinded. The presented budget outlines how the County is managing and prioritizing the projects and allocation of funds. Commissioner Cloutier stated that he thought that that was a good idea. Commissioner Smith commended Compliance Manager Warren for her hard work and all of the projects that the County had done. Commissioner Jamieson congratulated Compliance Manager Warren and staff for their support to come up with a plan and allocate the ARPA funds; it's truly a once in a lifetime opportunity.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Smith, that the Order be APPROVED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

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**NEW BUSINESS**[23-037](#)

Adoption of Cumberland County's Analysis of Impediments to Fair Housing Study.

Community Development Director Kristin Styles presented the Executive Summary for the Analysis of Impediments to Fair Housing. She stated that per HUD's Fair Housing Act 1968, Cumberland County is required to advocate for fair housing; performing studies on Fair Housing meets that advocacy requirement. Root Policy Research was selected as the vendor to conduct the study based on their qualifications and staff is local to the area. The research included one on one stakeholder interviews, surveys, and examining demographic patterns. The report identifies areas that need to be addressed in the County. The areas identified include creating public transportation that exists outside of the greater Portland area; supporting infrastructure to support more housing growth; more awareness of discrimination against section 8 voucher holders. Commissioner Cloutier commented that he was impressed with tying public funding with infrastructure to policy. Commissioner Gorden stated that he agreed that public transportation is an area that needs to be addressed.

*This Order was INTRODUCED FOR PUBLIC HEARING.*

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Order be ADOPTED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

[23-038](#)

Adoption of the Program Year 2023 Community Development Annual Action Plan including the allocation of the Community Development Block Grant funds and HOME Investment Partnership Program. This is a second public hearing and final reading

This item was first introduced for public hearing on April 10, 2023 as Item 23-028. This was the final public hearing for the consolidated action plan.

*This Order Requiring a Public Hearing was INTRODUCED FOR PUBLIC HEARING.*

*A motion was made by Commissioner Cloutier, seconded by Commissioner Gorden, that the Order Requiring a Public Hearing be ADOPTED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

[23-030](#)

Approval of the County Treasurers award of winning bid to Piper Sandler & Co for the 2023 Tax Anticipation Note

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Order be APPROVED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

[23-039](#)

Authorize the County Manager to sign a sole source contract between Cumberland County and The Summerill Group, LLC, of Washington DC, for renegotiating the County's Federal Inmate Per Diem Rate

County Manager Gailey stated that the current Federal inmate rate is \$130 which was negotiated in 2011-2012. The Summerill group previously negotiated that rate and is familiar with the County Jail and the negotiations process. The contract for services is \$52,000 and is less than the previous rate. Sheriff Joyce spoke and noted that the importance of updating rate.

Commissioner Gorden asked Jail Major Timothy Kortez how many staff would need to be hired to support additional inmates. Initially, a handful of inmates until 6 months and then it would be a unit of 43 and would require 15 to 17 staff. Sheriff Joyce gave an update on the current applicants. He stated that 5 were in the academy, 5 are scheduled for the next academy, 3 are in the medical review process. Commissioner Jamieson asked if the certified would complete the academy? Sheriff Joyce stated that the Maine certified applicant would not need to test while the out of state applicant would attend a shorter academy. Monday the 18th, the Jail will open intake. Commissioner Cloutier was surprised about intake opening up, what is the arrangement with bail commissioners for individuals who are brought in who don't think that they belong there. What is the process? Sheriff Joyce stated that it depends on whether the individual is a danger to society. Bail commissioners are also concerned with individuals who had a pattern of criminal behavior and were asked to set bail or not, that decision affected police officers and bail commissioners. Commissioner Smith stated that she appreciated the use of the Sole Source contract and is in full support of the item. Commissioner Gorden added that the Professional Council of Jails will have information after their study is completed.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Gorden, that the Order be APPROVED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

23-040

Authorize the County Manager to sign a letter of engagement with Developers Collaborative to undergo a preliminary cost analysis for the Administrative Building at 50 County Way

County Manager Gailey introduced this item citing its need as a result of recent environmental and structural concerns discovered at the site of the new administrative building. The developer offered to create a preliminary analysis of the building constraints and the costs to remedy concerns.

Commissioner Gorden asked how the results would impact the decision, if more expensive, would County Manager Gailey consider moving the campus to another place? County Manager Gailey stated that his intent is to downsize the number of campuses because people are very siloed and he would like to reduce the five campuses to three. He is optimistic that Developers Collaborative will provide a good solution and it's an important cost but not have an unlimited checkbook.

Commissioner Gorden agreed and commented that Count Manager Gailey would also need to consider costs for the next building. County Manager Gailey stated that that area would be tapped out.

Commissioner Smith asked if this project would be Brownfield eligible. County Manager Gailey stated that the consultants thought that it was a possibility, there are funds available through Portland, CDBG, and the State of Maine.

Commissioner Cloutier said that this issue is very common and marine clay is an overlay but can be addressed with pylons.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Gorden, that the Order be APPROVED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

23-041

Proclaim May 12, 2023 as Childcare Provider Day

*A motion was made by Commissioner Cloutier, seconded by Chair Jamieson, that the Proclamation be APPROVED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

23-042

Proclaim May 7 - 13, 2023 as National Correctional Officers Week

Commissioner Witonis requested that Major Kortez share the planned events to recognize the County's Correctional Officers.

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Proclamation be APPROVED. The motion carried by the following vote:*



**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

[23-043](#)

Proclaim May 14 - 20, 2023 as Law Enforcement Week

*A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Proclamation be APPROVED. The motion carried by the following vote:*

**Yes:** 5 - Chair Jamieson, Commissioner Cloutier, Commissioner Witonis, Commissioner Gorden, and Commissioner Smith

**No:** 0

## COMMENTS FROM THE COUNTY MANAGER

County Manager Gailey stated a goal setting exercise for the Commissioners and Department heads is scheduled for Tuesday, May 16 at the Cross Insurance Arena and homework is due Thursday. There will be an upcoming workshop with an agenda that will include a discussion of the Jail Budget and the use of the community correction center.

## COMMENTS FROM THE EXECUTIVE STAFF

Deputy Director of Admin and Finance Kimball stated that the 6 month budget is two thirds way through and is going well. All major costs were deferred to the full budget year, there is less revenue received from the Registry of Deeds. Commissioner Gorden asked if he had heard about the bill for the Homelessness that would be funded by the Deeds Department. Deputy Director of Admin and Finance Kimball stated that the revenue received from the Registry of Deeds is sent to the state and there are no issues.

Public Affairs Director Travis Kennedy stated that the Legislative session is winding down and there are a lot of items that relate to Counties, particularly patrol funding that are being debated and funding for EMS. The EMS funding will be debated next year which ties into the results of the EMS regionalization study for Cumberland County.

There were some budget changes requested by the Governor, counties requesting more jail funding, historically the state has funded 20%. Hopefully \$7.7mil will be distributed to the Counties for Jail operations. The EMS study is moving along and information has been requested from Towns to be completed by next week. Dynamix will be in Maine next month to do ground work. Commissioner Gorden encouraged the other Commissioners to advocate for more funding regarding the jail funding budget, Public Affairs Director Kennedy stated that he would be happy to engage in legislative summary in a couple of weeks. Commissioner Jamieson asked if the budget would be completed by the next meeting, Public Affairs Director Travis Kenndy stated that it should be according to statute.

County Sheriff summarized the staffing levels at the jail stating the 5 officers in the academy and 3 were in medical assessment. Law Enforcement staff are down 7 people. There were 3 new hires, 1 not certified and 2 certified, the certified applicants will go directly into the field. There were just 3 new blue pin applicants and should be hired by the next meeting. He congratulated the Union for the pilot project started 2 years ago for a fixed shift schedule which allowed the deputies to have part of their



weekends off. Overall, the Sheriff's office is left with one vacancy and one anticipated retirement in September.

Commissioner Jamieson asked if that would be enough coverage for the summer vacation. Sheriff Joyce stated that there are challenges and they follow FMLA according to the law, there are some military deployments. This year is better than last year, academy training is needed. Commissioner Jamieson asked if they knew they could do an in house academy? Sheriff Joyce stated that the travel time is a challenge and they will reach out to the academy to get permission to have an in house academy. Commissioner Gorden asked how many would be needed for an inhouse academy. Sheriff Joyce stated that it depends. He would like to see how it looks first. Commissioner Gorden asked if hosting an (in house) academy could be used as a recruiting tool? Sheriff Joyce stated that it could be a possibility and listed other academies in Southern Maine who might be interested in attending a more local academy.

Commissioner Wiltonis asked if the county loses the new hires because they miss the academy, Sheriff Joyce stated that the hires are given other non field related tasks to complete until the academy starts. The academy starts mid to late August and that is for everyone.

### **COMMENTS FROM THE COUNTY COMMISSIONERS**

Commissioner Jamieson wished all of the mothers a Happy Mothers day. Congratulations and good luck to all of the sports teams. He informed the public that \$57 million was allocated from the American Rescue Plan Act (ARPA) funding toward significant services and facilities that will be the foundation of a number of projects for years to come and it was a historical investment in Cumberland County.

### **ADJOURNMENT**

A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis to adjourn the meeting. The adjourned at 7:15 pm.

The next scheduled Board of Commissioners' meeting:

5/16/2022 - Goal Planning Workshop

5/22/2022 - Commissioner Workshop

6/12/2023 - Commissioner Meeting